UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,893	03/07/2002	Erkki Solala	442-010768-US (PAR)	7834

2512	7590	01/20/2006	**EXAMINER**	
			LIOU, JONATHAN	

PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/019,893	SOLALA, ERKKI
	Examiner	Art Unit	
	Jonathan Liou	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 March 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _07 March 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The second office action is sent without a response due to the deficiency on the

last office action. On 13 January 2006, Applicant pointed out that the preliminary

amendment has not been considered on the previous office action by the examiner.

Thus, the second office action is sent to provide and address all of changes and

limitations recited in the preliminary amendment.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. A computer program product per se could not be

statutory. The computer program product is not claimed as executable and embodied in

a computer-readable medium or apparatus, which does not permit the computer

program product to be realized.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-2, 4-6, 8-9, 11-12, 14-16, 18, and 20 are rejected under 35 U.S.C.

103(a) as being unpatentable over Hammond et al. (US Pat No. 5,915,087.), in view of

Yano Koichi (Jap Pub No. 10-136336.)

4.   As per claims 1, 11, and 20, Hammond et al. teach a method and a server for

controlling access right of a message received from a terminal at the server and where

the message is processed by a protocol stack **(See Fig. 2, the terminal is client 214**

and firewall 210 could be part of server for controlling access right of a messaged

from security monitor 226 and security monitor would send the authorized

messages back to port manager, which comprises the protocol stack.), and a

computer program product to control the access of the message **(See Fig. 2, 4, and col**

4, lines 21-40, Hammond et al.), wherein comprising:

        a sender address specifying the address of the terminal, **(See col 4, lines 50-54,**

Hammond et al.)

        a port number specifying and application address of the instance sending the

message at the terminal, and user data including the contents of the message **(See col**

5, lines13-15, and col 5, lines 26-34, Hammond et al.) , and the server and method

comprising;

        License control means **(security monitor 226)** for controlling the access right of

the message to enter the server before the message is allowed to passed to the

protocol stack **(port manager 224)** **(Hammond et al. teach the message is relay to**

port manager and send to control function of security monitor to prevent the

further routing of non conforming messages. Then, the right message is

forwarded back to port manager for routing through protocol stack and relay to

server. See Fig. 2 and col 5, lines 6-9, Hammond et al.), characterized in that the

server further comprises,

connection means for establishing a session between the server and the terminal

and for receiving the data packet within the session **(See Fig. 2, Hammond et al.)**

Hammond et al. does not specifically teach storing a number of access right

licenses and reserving access right of license, and make sure the number of reserved

does not exceed the number of purchased access right license. Nevertheless, Yano

Koichi teaches the limit of a number of clients is prepared ahead as reserved (See

[0013], Detail Description, Yano Koichi.), and access control module has grasped the

current number of clients and has access newly and it would judges whether the

number of allowance communication links of a circuit is exceeded (See [0018], Detail

Description, Yano Koichi.) Moreover, Yano Koichi teach that the structure of the

invention could be use as a personal computer or workstation (See [0048], Means,

Yano Koichi.) Therefore, it would have been obvious for one having ordinary skill in the

art at the time the invention was made to controlling the number of reserved licenses

and newly arrived having access right licenses because it would provide the better

traffic control on the traffic and make sure CPU storage having enough space for clients

having access right to connect with server. Moreover, Hammond et al. teach the

firewall and security of server (See col 1, lines 22-29, Hammond et al), and these kind

of system is generally used to distinguish the proper clients accessing the server.

5.   As per claims 2 and 12, Hammond et al. teaches means for reading both sender address and the port number from the data packet for identifying the terminal **(See col 5, lines 26-34, Hammond et al.)**

6.   As per claims 4 and 14, Hammond et al. teach a server comprising:

reservation means for reserving a license for the session as a response to the license control means **(security monitor 226)** having determined existence of access right **(If the existence of access right, the link table tracks with ports as shown in Fig. 3)**

timing means provides a time stamp for how long a port is being held open waiting for further message from the client **(See Fig. 2 and col 5, lines 11-12, Hammond et al.)**

7.   As per claims 5 and 15, the limitation set forth is similar to claim 1; therefore, the same basis and rationale as applied to claim 5 are applied.

8.   As per claims 6 and 16, Hammond et al. teach means fro forwarding the message and discarding the message **(See col 6, lines 32-42, Hammond et al.)**

9.   As per claims 7 and 17, Hammond et al., in view of Yano Koichi, teach a discarded message as described in claims 6 and 16. They do not specifically teach means for returning an error message to the terminal in response to a discarded message. Nevertheless, Hammond et al. teaches to delete the discarded message and teaches it's not necessary send back to terminal for modify since the client does not see the proxy (See col 2, lines 28-33, Hammond et al.) Hammond et al. also teaches sending the message to the client as response from the server (See col 6, lines 25-31,

Hammond et al.) Since in the Hammond et al.'s structure, it is not necessary to modify

the proxy and the message could be just deleted. However, it does not exclude the

structure of Hammond et al. could have send the error message since Hammond et al.

teach sending the response message and deleting the invalid message (See col 6, lines

25-31, Hammond et al.) Therefore, it would have been obvious for one having ordinary

skill in the art at the time the invention was made to send the error message in response

to a discarded message since Hammond et al. teaches the discarded message and

also teaches the response function (See col 6, lines 25-31, Hammond et al.) By

sending the error message in response to a discarded message would give the client

idea that their message have fail and determined if it does need to modify or not.

10.   As per claims 8 and 9, after the license (port) has been released, checking the

new message, and also if the packet arrive before the timeout, the access checking

performs and use the tracking list to track the port (**See col 5-6, lines 48-42, and Fig.**

3-4, Hammond et al.)

11.   As per claim 18, Hammond et al. teach plurality of clients (**See col 5, lines 6-10,**

Hammond et al.)

12.   Claims 3, 10, 13, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hammond et al. (US Pat No. 5,915,087.), in view of Yano Koichi (Jap

Pub No. 10-136336.), and further in view of Pepe et al. (US Pat No. 5,673,322.)

13.   As per claims 3 and 13, Hammond et al., in view of Yano Koichi teach

communicating messages with network and for adapting messages received from the

client for the protocol stack and after the adaptation performing the checking of the

access right (See Fig. 2 and col 4-5, lines 65-15, Hammond et al.) Hammond et al.

does not teach the client is using wireless protocol with wireless network. However,

Pepe et al. teach using wireless connection and wireless protocol for point-to-point

communication and with security feature (See col 6, lines 65-67, col 7, lines 15-30,

Pepe et al.) In addition, Pepe et al. system provides the communication between client

and server through protocol layers (See Fig. 4-5, Pepe et al.) Thus, it would have been

obvious for one who has ordinary skill in the art at the time the invention was made to

communicate through a wireless network because the wireless network would provide

the advantage for the client and server to cover the broader range.

14.   As per claims 10 and 19, Pepe et al. teach mobile station supporting the wireless

protocol (See Fig. 2, and col 7, lines 15-30.), and Pepe et al. also teach modem, which

could be interpreted as the gateway, to transmitting between client to server (See col

11, lines 60-67, and Fig. 3, Pepe et al.) The same rationale, motivation, and basis as

applied to claims 3 and 13 are applied to the remainder of the claims 10 and 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jonathan Liou whose telephone number is 571-272-

8136. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jonathan Liou   11/16/2005

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER